

Notice of Allowability

Application No.

09/347,110

Examiner

Kambiz Abdi

Applicant(s)

WELLMAN, MICHAEL P.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3 June 2004.
2. ☒ The allowed claim(s) is/are 1-8, 10-15 and 31-46.
3. ☒ The drawings filed on 2 July 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 17 May 2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action. Prior office actions are incorporated in this office action by reference. Applicant has filed an Amendment After Final Rejection on 26 April 2004, which has been entered.

- Claims 9 and 16-30 have been canceled.
- Claims 1 and 11-12 have been amended.
- New claims 31-46 have been added.
- Claims 1-8, 10-15, and 31-46 have been allowed.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Andre' Gibbs on 10 June 2004.

The examiner under agreement by the attorney representing the applicant has amended claim 31.

The claim in the application has been amended as follow:

Claim 31. (New) A computer-readable medium having instructions to cause a computer to perform a computerized method of matching at least one multi-attribute bid from one or more buyers and at least one multi-attribute bid from one or more sellers, the computerized method-comprising:

Electronically selecting a pair of bids between each buyer and each seller from a plurality of compatible bid pair combinations, the selected pair of bids having a highest surplus between each buyer bid and seller bid, each buyer and seller bid being based on at least one variance to a nominal attribute value of at least one attribute and a corresponding variance relative to the nominal bid value, wherein each buyer and seller bid is a price, the price being expressed in terms of a uniform measurement unit;

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Electronically generating a weighted bipartite graph comprising buyer nodes and seller nodes and an edge between each buyer node and each seller node, each edge having the highest surplus of the pair of bids between the buyer and seller as a weight; and

Electronically determining maximal weighted matching bids from the highest surplus pairs of bids using the weighted bipartite graph.

Allowable Subject Matter

3. Claims 1-8, 10-15, and 31-46 are allowed over the prior art of record.

4. The following is an examiner's statement of reason for allowance:

The closest prior art of record is U.S. Patent No. 6,131,087 to Jasmes O. Luke et al. and U.S. Patent No. 5,841,958 to Samuel R. Buss et al. provides for methods and system for automatically identify and match offers with solicitations, based on data consisting of numerical linear ranges defining a lower point, and upper point, and a preferred point for each dimension of the offer data; matching these data points with corresponding solicitation data points of lower, upper, and a proffered points to at least matching the upper points to of a lower or proffered points of each offers and solicitors data. This will be resulting to a near match of closest of the offer data and solicitor data. The general states of all of the mentioned prior arts of records disclose methods and systems dealing with matching buyers and sellers of goods and services on a near matching, meaning the match is not an exact but a match that is close to or near the ranges that is set by the buyers and sellers as upper, lower and preferred criteria data.

5. The closest foreign prior art of record is European Patent No. EP 1077 422 A2 to Seth M. Epstein, and the NPL cited in the application, titled "An Exploratory Study of the Emerging Role of Electronic Intermediaries", by Josep P. Miley and Yannis Bakos, published in *International Journal of Electronic Commerce*, Volume 1, No. 3, Spring 1997, pp. 7-20.

6. In regards to claims 1, 31, 45 and 46, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest the step of a computerized method and system for matching at least one multi-attribute bid from one or more buyers and at least one multi-attribute bid from one or more sellers. This would entail the steps of electronically generating a weighted

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bipartite graph comprising buyer nodes and seller nodes and an edge between each buyer node and each seller node, each edge having the highest surplus of the pair of bids between the buyer and seller as a weight and electronically determining maximal weighted matching bids from the highest surplus pairs of bids using the weighted bipartite graph.

7. Claims 2-8 and 10-15 are dependent upon claim 1 and claims 32-44 are dependent upon claim 31, thus they all have the limitations of claims 1 and 31, therefore, they are allowable for that same reason stated above.

Conclusion

8. Any comments considered necessary by the applicant must be submitted no later than the payment of the issues fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K
June 10, 2004**


**JOHN W. HAYES
PRIMARY EXAMINER**